

Payne  
3/10cv200

In re Circuit City Stores, Inc.

Case No. 08-35653-KRH

Adv. Proceeding No. [Adversary Proceeding No.]

## Debtor(s) TRANSMITTAL OF MOTION FOR LEAVE TO APPEAL

TRANSMITTAL OF RECORD ON APPEAL TO DISTRICT COURTPursuant to 28 U.S.C. 158, Notice of Appeal was filed herein on March 9, 2010

The parties included in the Appeal to the District Court:

APPELLANT(S): Apex Digital, Inc.

MAR 25 2009

CLERK, U.S. DISTRICT COURT,  
RICHMOND, VA.ATTORNEY: Joshua D. McKarcher of Covington & Burling, LLP1201 Pennsylvania Avenue, N.W.Washington, DC 20004-2401APPELLEE (S): Circuit City Stores, Inc.ATTORNEY: Douglas M. Foley of McGuireWoods, LLPOne James Center, 901 East Cary StreetRichmond, Virginia 23219Brief Description of Judgment/Order Appealed: Memorandum Opinion and Order (docket number 6228)Date Judgment/Order Entered: January 6, 2010

1. Filing Fees: A. Notice of Appeal - Filing Fee \$5.00  Paid  Not Paid  
B. Appeal Docket Fee - \$250.00  Paid  Not Paid  Deferred. See attached Request
2.  Notice of Appeal, Order/Judgment, True Copy Teste of Docket Record, and Designation(s) [if any]
3.  No Designation of Record on Appeal filed (See Certification Below)
4.  Copies of items designated by Appellant/Appellee have/have not been submitted pursuant to FRBP 8006 and LBR 8006-1.

WILLIAM C. REDDEN, Clerk of the Court

By: Is/ Suzanne French SF, Deputy ClerkDate: March 25, 2010CERTIFICATION TO APPELLATE COURT

It is hereby certified that the designation of record required by Federal Rule of Bankruptcy Procedure 8006 and Local Bankruptcy Rule 8006-1 has not been filed within 14 days after the filing of the notice of appeal.

WILLIAM C. REDDEN, Clerk of the Court

By: \_\_\_\_\_, Deputy Clerk

District Clerk - Please complete and return second copy.

DISTRICT COURT CASE NUMBER 3:10cv200Date 3/25/10cc: Attorney for Appellant(s)  
Attorney for Appellee(s)

[apptrans ver. 12/09]